

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper No. 9650

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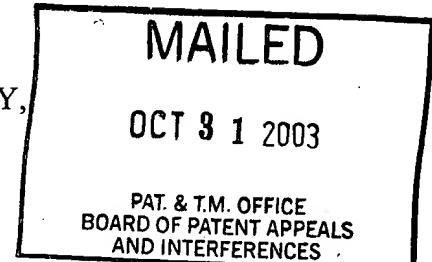
Filed
October 31, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ALFRED POLLAK and ANNE GOODBODY,

Junior Party,
(Patent Nos. 5,662,885 and 5,780,006),



v.

WILLIAM McBRIDE and RICHARD T. DEAN,

Senior Party
(Application 08/253,973).

Patent Interference 104,789 (MPT)

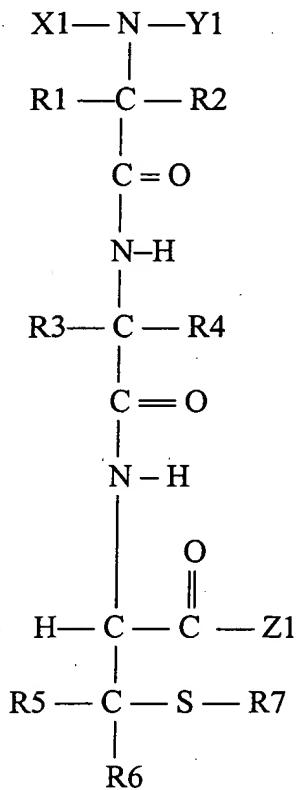
NOTICE REDECLARING INTERFERENCE

As discussed in the Memorandum, Opinion and Order (Paper No. 95), Count 1 erroneously recites an ester group rather than the commonly claimed carbonyl group. This interference is redeclared with Count 2, set forth below, which replaces the ester group with the appropriate carbonyl group. The claim correspondence and accorded priority benefit dates

remain as discussed in the Memorandum (Paper No. 95).

Count 2 is as follows:

A compound having the formula:



wherein

- R1 is hydrogen (-H) or C₁-C₄ alkyl;
- R2 is hydrogen (-H) or C₁-C₄ alkyl;
- R3 is hydrogen (-H) or C₁-C₄ alkyl;
- R4 is hydrogen (-H) or C₁-C₄ alkyl;
- R5 is hydrogen (-H) or C₁-C₄ alkyl;
- R6 is hydrogen (-H) or C₁-C₄ alkyl;
- R7 is hydrogen (-H);
- X1 is C₁-C₄ alkyl;

Y1 is C₁–C₄ alkyl;

Z1 is a targeting molecule; and

alkyl is a moiety having the empirical formula

–C_nH_{2n+1}, where n is 1 to 4,

or

the compound in a form complexed with a metal radionuclide,

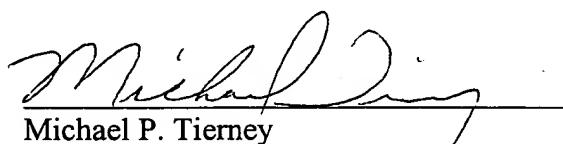
or

a method of detecting the localization of a targeting molecule within a mammal comprising administering a diagnostically effective amount of the compound to a mammal wherein the compound is in a form complexed with a metal radionuclide,

or

a method of imaging a site of local inflammation within a mammal comprising administering a diagnostically effective amount of the compound to a mammal wherein the compound is in a form complexed with a metal radionuclide.

In light of the redeclaration of the interference, the parties are to file Preliminary Statements by no later than November 24, 2003.



Michael P. Tierney
Administrative Patent Judge

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